IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH AT HYDERABAD.

HON'BLE SRI JUSTICE C.V. RAMULU

Writ Petition No. 30481 of 1998

Dated: 23rd August 2005

Between:

S. Venkateswara Rao

… Petitioner

And

The Presiding Officer,

Labour Court-III, Hyderabad and another.

… Respondents

Oral Order:

1. This writ petition is filed by the workman being aggrieved by the award made in I.D.No.86 of 1994 dated 18-3-1998 insofar as denying backwages and attendant benefits while granting the relief of reinstatement with continuity of service as arbitrary and illegal.

2. It is the case of the petitioner that after obtaining the certificate in I.T.I. in the Sheet Metal Trade, he worked for 14 years in the second

respondent organization without any blemish whatsoever. He worked as a General Fitter for three years, for two years on Mix Machine and two years on machine painting work. While so, on 22-8-1993 when he was working in the general shift i.e., from 9 a.m to 5-30 p.m., at about 10 a.m. the tools became blunt due to heavy work, therefore, he approached one Thanu Krishna, who is working as a Grinder, to grind the tool bit. To the reasons best known to the Shift Incharge, he instructed Thanu Krishna not to undertake the grinding work, thereby he could not complete the work allotted to him from 24th to 28th August 1993. However, in view of the slackness, he was issued with a charge sheet stating that he failed to carry out the work in accordance with the general and specific instructions given by the officers concerned and it was insubordination on his part and that he insulted the superiors apart from habitual negligence in attending to the work and loitering idly and wasting time during the working hours.

3. A detailed enquiry was conducted and thereafter the petitioner was terminated from service w.e.f. 18-1-1994. Aggrieved by the same, he raised a dispute and filed a petition under Section 2 (a)(2) of the Industrial Disputes Act before Labour Court-III, Hyderabad, which was taken on file as I.D.No.86 of 1994. Though no oral evidence was adduced on behalf of either of the parties, on behalf of the management documents viz., Exs.M.1 to M.28 were marked and on behalf the workman no documents were marked. After going through the entire evidence on record, the Labour Court found that the charges leveled against the petitioner were proved in full and reasonable opportunity was given to the petitioner to defend his case fully. The Labour Court, however, held that the punishment of termination from service is disproportionate to that of the misconduct alleged, and as such directed the respondent management to reinstate the petitioner into service with continuity in service, but without any attendant benefits.

4. According to the petitioner, the Labour Court having found that the petitioner had put in 14 years of unblemished service and the misconduct

being only disobedience of the instructions of the superiors, while granting the relief of reinstatement and continuity of service, denying backwages and attendant benefits was unwarranted.

5. Though no counter is filed, the learned counsel for the respondent strenuously contended that the charges alleged against the petitioner were serious enough to dismiss the petitioner from service. The Labour Court has taken a lenient view and reinstated the petitioner with continuity of service and it has not committed any error in denying the backwages and attendant benefits. The same is just and proper and does not call for interference by this Court under Article 226 of the Constitution of India.

6. I have given by earnest consideration to the respective submissions of either counsel and also perused the award passed by the Labour Court and other material available on record. At the outset, I am of the opinion that the Labour Court has not committed any error warranting interference of this Court under Article 226 of the Constitution of India. All the charges framed against the petitioner were proved in full. Merely because the petitioner has put in 14 years of clean service, that does not mean that he can behave as he likes with the superiors and can also disobey the instructions given by them. As contended by the learned counsel for the respondent, the Labour Court itself has taken a lenient view of the matter and directed the respondent management to reinstate the petitioner into service with continuity of service. Therefore, denying of backwages and other attendant benefits to the petitioner cannot be said to be either arbitrary or illegal on the part of the Labour Court. The award passed by the Labour Court does not suffer from any infirmity requiring interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and it is liable to be dismissed. It is accordingly dismissed. No order as to costs.

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(C.V. Ramulu, J)

23rd August 2005.

svs